

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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WILLIAM CARON,

Case No. 3:21-cv-00259-MMD-CLB

Petitioner,

ORDER

v.

AARON FORD,

Respondent.

On June 28, 2021, the Court granted Petitioner William Caron's motion for appointment counsel and appointed the Federal Public Defender ("FPD") to represent Petitioner. (ECF No. 4.) On July 28, 2021, the FPD filed a motion to withdraw as attorney of record due to a conflict. (ECF No. 7.)

It is therefore ordered that the FPD's motion to withdraw as attorney of record (ECF No. 7) is granted. The FPD is released as counsel.

It is further ordered that Lisa A. Rasmussen is appointed to represent Petitioner in these proceedings. Attorney Rasmussen's contact information appears as follows:

Lisa A. Rasmussen  
The Law Offices of Kristina Wildeveld & Associates  
550 E. Charleston Blvd  
Las Vegas, NV 89104  
(702) 222-0007  
lisa@veldlaw.com

It is further ordered that Attorney Rasmussen, a Criminal Justice Act ("CJA") panel attorney for the United States District Court for the District of Nevada, will represent Petitioner in all future proceedings in this Court relating to this matter—including subsequent actions—and appeals therefrom, pursuant to 18 U.S.C. § 3006A (a)(2)(B), until allowed to withdraw.

1 It is further ordered that CJA counsel, Lisa A. Rasmussen, must enter a notice of  
2 appearance within 20 days of the date of this order.

3 It is further ordered that Rasmussen must meet with Petitioner as soon as  
4 reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. §  
5 2254; (b) discuss and explore with Petitioner, as fully as possible, the potential grounds  
6 for habeas corpus relief in Petitioner's case; and (c) advise Petitioner that all possible  
7 grounds for habeas corpus relief must be raised at this time and that the failure to do so  
8 will likely result in the omitted grounds being barred from future review under the rules  
9 regarding abuse of writ.

10 It is further ordered that Rasmussen must file an amended petition for writ of  
11 habeas corpus within 90 days, which shall include all known grounds for relief (both  
12 exhausted and unexhausted).

13 It is further ordered that Respondent must file a response to the petition within 90  
14 days of service of the petition. Petitioner will then have 45 days from service of the  
15 answer, motion to dismiss, or other response to file a reply or opposition. Any other  
16 motions will be subject to the normal briefing schedule under the Local Rules.


17 Any response to the petition must comport with Habeas Rule 5. Additionally:

- 18 1. Any procedural defenses raised by Respondent in this case must be  
19 raised together in a single, consolidated motion to dismiss. In other  
20 words, the Court does not wish to address any procedural defenses  
21 raised herein either in *seriatum* fashion in multiple successive motions  
22 to dismiss or embedded in the answer. Procedural defenses omitted  
23 from the motion to dismiss will be subject to potential waiver.
- 24 2. Respondent must not file a response in this case that consolidates their  
25 procedural defenses, if any, with their response on the merits, except  
26 under 28 U.S.C. § 2254(b)(2), as to any unexhausted claims clearly  
27 lacking merit. If Respondent seeks dismissal of unexhausted claims  
28 under § 2254(b)(2): (a) they must do so within the single motion to

1 dismiss, not in the answer, and (b) they must specifically direct their  
2 argument to the standard for dismissal under § 2254(b)(2) set forth in  
3 *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no  
4 procedural defenses, including exhaustion, should be included with the  
5 merits in an answer. All procedural defenses, including exhaustion, must  
6 instead be raised by a motion to dismiss.

- 7 3. In any answer filed on the merits, Respondent must specifically cite to  
8 and address the applicable state-court written decision and state-court  
9 record materials, if any, regarding each claim within the response as to  
10 that claim; and
- 11 4. Respondent must file a set of state court exhibits relevant to the  
12 response filed to the petition. Those exhibits must chronologically and  
13 be accompanied by a separate index of exhibits identifying the exhibits  
14 by number. The CM/ECF attachments that are filed must be identified  
15 by the number or numbers of the exhibits in the attachment. The purpose  
16 of this provision is to allow the Court and any reviewing court thereafter  
17 to quickly determine from the face of the electronic docket sheet which  
18 numbered exhibits are filed in which attachments. Respondent must  
19 send a hard copy of all pleadings and indices of exhibits ONLY filed for  
20 this case to the Clerk of Court, 400 S. Virginia Street, Reno, NV, 89501,  
21 directed to the attention of "Staff Attorney" on the outside of the mailing  
22 address label.

23 DATED THIS 3<sup>rd</sup> Day of August 2021.

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27 MIRANDA M. DU  
28 CHIEF UNITED STATES DISTRICT JUDGE